

REMARKS

Applicant amended independent claims 1, 8, 15, 22, and 29 and added new claims 40-44 to further define Applicant's claimed invention. Support for the amendment to claims 1, 8, 15, 22, and 29 and for new claims 40-44 is found at least on page 3, lines 7-12 and page 4, lines 14-17, and page 9, lines 3-6. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-39 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant amended independent claims 1, 8, 15, 22, and 29 to recite that the groupings are "not determined by content preference supplied by an individual consumer in at least one group of consumers," and that the groupings are aggregated "into at least one rollout based on at least one common criteria of the individual consumers in the at least one group other than content preference supplied by an individual consumer, the media assets in the rollout being presented to each of the individual consumers in the at least one group."

Applicant's specification states that "[t]he content management system then preferably selects media content for distribution to particular groups (publishing groups) of consumers based on, for example, geographical location, bit rate service, service provider, and contract terms, and aggregates the selected media content into a rollout." (page 3, lines 7-12). The Examiner contends that "a consumer may desire content applicable to their geographical location, bit rate service and/or contract terms." (Office Action, page 4, lines 10-11). However, any two consumers in the same geographic location with identical bit rate service and contract terms could have completely different content preferences. Thus, providing media content to a group of consumers based on any one of geographic location, bit rate service, service provider, and contract terms is conceptually distinct from providing media content to a group of consumers based on content preference supplied by the individual consumers of the group. Applicant's specification further states that "[c]onsumers are preferably directed to a particular rollout based their publishing group" and that "consumers may be directed to certain rollouts as determined by their publishing group." (page 9, lines 3-6). Hence, the media assets in a rollout are presented to each of the individual consumers in the group to which the rollout is directed. Thus, Applicant submits that independent claims 1, 8, 15, 22, and 29 are fully supported by Applicant's

specification. It is submitted that the rejection of claims 1-39 under 35 U.S.C. § 112, first paragraph, has been overcome.

The Examiner rejected claims 1-4, 6-11, 13-18, 20-25, 27-33, 35, and 37-39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,790,935 to Payton ("Payton"); rejected claims 5, 12, 19, 26, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Payton in view of U.S. Patent No. 6,457,010 to Eldering et al.; and rejected claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Payton.

Applicant amended independent claims 1, 8, 15, 22, and 29 to recite that the groupings are "not determined by content preference supplied by an individual consumer in at least one group of consumers," the groupings aggregated "into at least one rollout based on at least one common criteria of the individual consumers in the at least one group other than content preference supplied by an individual consumer, the media assets in the rollout being presented to each of the individual consumers in the at least one group." Payton does not disclose or suggest such systems or methods.

Payton discloses a collaborative filtering system that "synthesizes the behavior of a large group of subscribers." (col. 2, lines 41-42). Payton teaches that the collaborative filtering technique "transforms each subscriber into the role of a critic. For any given subscriber, the likes and dislikes of the subscribers with similar interests are used to predict items that would appeal to that subscriber." (col. 2, lines 48-50). Payton further teaches that "collaborative techniques require a large group of diverse subscribers, both past and present, each having accessed and rated a broad range of different items" and that "these techniques can accurately predict items that would interest any particular subscriber over a very broad range." (col. 2, lines 51-55).

In the collaborative filtering system used in Payton, the prediction of content that is likely to interest a subscriber is based on a synthesis of the subscriber-supplied rating, *i.e.*, indications of general likes and dislikes, of previously viewed content. Payton does not teach that the collaborative filtering system synthesizes subscriber's general likes and dislikes for things other than media content. Even when the system of Payton recommends to a subscriber a list of movies the subscriber has never previously requested, that recommendation is based on the system's analysis of subscriber-supplied content

preference responses. Payton does not disclose or suggest that the groupings of content are “not determined by content preference supplied by an individual consumer in at least one group of consumers” as recited in independent claims 1, 8, 15, 22, and 29.

Payton further discloses that the collaborative filtering system generates a “list of recommended items for each subscriber.” (col. 3, lines 6-8). In Payton, “[e]ach subscriber is provided with a local storage device for storing, during off-peak hours, those items recommended by the collaborative filtering system.” (col. 4, lines 15-17). Each individual subscriber in Payton is presented with a personalized recommended list that is not available to all of the subscribers. Thus, if the system of Payton were to service 10 million subscribers, the collaborative filtering system would have to generate 10 million individual recommended lists. Payton teaches an alternate embodiment of the invention where “each local server has been replaced by a video server 176” which “may be used to service multiple televisions within a single home or to service all of the residents in an apartment complex.” (col. 9, lines 62-64). In Payton, the “list of recommended items sent to the video server 176 may either represent the individual interests of each subscriber or the collective interests of all the subscribers served by that particular video server.” (col. 10, lines 13-15). Thus, the items on the recommended list of Payton are based on content preferences supplied by individual consumers as synthesized by the collaborative filtering system.

Payton does not disclose or suggest a system where the groupings of content are aggregated “into at least one rollout based on at least one common criteria of the individual consumers in the at least one group other than content preference supplied by an individual consumer, the media assets in the rollout being presented to each of the individual consumers in the at least one group” as recited in independent claims 1, 8, 15, 22, and 29.

Applicant submits that the Examiner’s rejections of the claims under 35 U.S.C. §§ 102(b) and 103(a) have been overcome.

Applicant submits that independent claims 1, 8, 15, 22, and 29 are patentable and that dependent claims 2-7, 9-14, 16-21, 23-28, and 30-44 dependent from one of independent claims 1, 8, 15, 22 and 29, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, Applicant submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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